

29

32. (amended) A system for selectively detecting the presence of a plurality of objects in proximity to a person comprising:

 a plurality of child units each having a first communicating device for sending a locator signal and for receiving a control signal;

 a parent unit having a second communicating device for receiving the locator signal from at least one of the plurality of child units, a processor for monitoring the at least one child unit and for determining whether the at least one child unit is within a preselected range, the processor of the parent unit programmed to selectively de-activate at least one of the at least one child [units] unit, the selective de-activation includes deactivating the locator signal of the first communication device of the at least one of the at least one child [units] unit, and controls for selectively controlling the child units to be monitored.

33
REMARKS

The Applicants appreciate the Examiner's recognition of allowable subject matter and have amended the claims to correct various objections and rejections based upon 35 U.S.C. § 112, second paragraph. Currently, claims 1-6, 8 and 11-32 are pending in the present application. The applicants respectfully submit that no new subject matter has been added as all amendments to the claims find support in the specification and drawings.

In Specification

45

Assistant Commissioner for Patents
September 27, 1999
Page 4

The Examiner noted that numeral "30" should be replaced with --42-- on page 15, line 11 of the specification. The applicants have corrected this error.

Objections under 37 C.F.R. § 1.75(b)

The Examiner noted that claims 2, 4, 16, 21, 22 and 30 are "unduly multiplied." Accordingly, claims 21, 22 and 30 have been amended to depend from claim 20.

Rejection under 35 U.S.C. § 112

The Examiner rejected claims 8, 11, 16, 19, 26, 29 and 31-32 as being indefinite. Accordingly the applicant has amended claims 8, 11, 16, 19, 26, 31 and 32 as suggested by the Examiner. Accordingly, these claims should now be in condition for allowance.

Rejections under 35 U.S.C. § 102

The Examiner rejected claim 32 as being anticipated by either Creek et al. or Sallen et al. More specifically, with respect to both Creek et al. and Sallen et al., the Examiner indicated that "it is inherent that he selective 'activation' of one child unit simultaneously requires the 'deactivation' of the locator signal of the 'first communicating device' of the other child units."

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference or embodied in a single prior art device or practice. *Minnesota*

Assistant Commissioner for Patents
September 27, 1999
Page 5

Min. & Mfg. C. v. Johnson & Johnson Orthopaedics, Inc., 976 F.2d 1559, 24 USPQ2d 1321

(Fed. Cir. 1992). Thus, for anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988). Absence from the reference of any claimed element negates anticipation.

Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Furthermore, anticipation of a claimed product cannot be predicated on the mere conjecture as to the characteristics of a prior art product.” *Ex Parte Standish*, 10 USPQ2d 1454, 1457 (PTO Bd. Pat. App. & Int. 1989).

The applicants respectfully submit that the assertion by the Examiner that “de-activation” is inherently found in both Creek et al. and Sallen et al. is unsubstantiated. There is absolutely no teaching in either reference of selective “de-activation.” In Creek et al., the microcontroller of the satellite unit is “programmed to control the operation of the transmitter such that the transmitter transmits a response signal to the master unit when the search identity code matches the unique identity code of the satellite unit.” Column 2, lines 39-43. In Sallen et al., transmission by the child unit is prevented “unless the decoded output meets criteria stored in the child unit.” Column 1, lines 65-67. There is absolutely no teaching or suggestion of “selective de-activation” as recited in claim 32. There is no teaching or suggestion in either Creek et al. or Sallen et al. how or if the satellite or child units, as the case may be, are de-activated and to assume that the master or parent unit controls the satellite or

Assistant Commissioner for Patents
September 27, 1999
Page 6

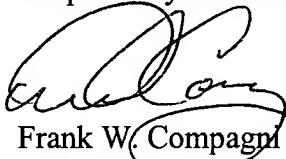
child units in such a manner is not in keeping with the rules which govern. Accordingly, the applicants respectfully submit that claim 32 as written is in condition for allowance and should therefore be allowed to pass to issue.

CONCLUSION

In light of the forgoing response set forth above, the applicants believe the application is in order for allowance. Should the Examiner determine that additional adverse action is necessary on the application, it is respectfully requested that he contact Frank W. Compagni at (801) 685-2302 so that such matters may be resolved as expeditiously as possible.

DATED this 27th day of September, 1999.

Respectfully submitted,



Frank W. Compagni
Attorney for Applicant
Registration No. 40,567

MORRISS, BATEMAN, O'BRYANT & COMPAGNI, P.C.
5882 South 900 East, Suite 300
Salt Lake City, Utah 84121
Telephone: 801 685-2302

FWC

H:\Compagni\Frank C\Rabanne\0691.RABA.PT amendment 2.wpd